

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: November 17, 2015

SUBJECT: BZA Case 19122, 1600 I Street, NW, Variance and Special Exception Relief Pursuant to §§ 3104.1 and 3103.2

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested relief pursuant to §§ 3104.1 and 3103.2 for a special exception under § 508.1, and variances from the nonconforming structure requirements of § 2001.3, and the roof structure requirements of § 411.1, to allow the renovation and expansion of an existing office building located in the SP-2 District at 1600 I Street, NW., subject to:

- The applicant complying with the affordable housing linkage required under the amendments to the penthouse regulations recently approved by the Zoning Commission. If not provided, OP would recommend denial of the proposal to put amenity space on the roof of this building; and
- The applicant providing confirmation from the US Secret Service that it has no objection to the proposal.

II. LOCATION AND SITE DESCRIPTION

Address	1600 I Street, NW
Legal Description	Square 0186, Lot 0039
Ward/ANC	2/2B
Lot Characteristics	The lot consists of approximately 22,308 square feet of land area and is located at the northeast corner of the square. The lot has approximately 172 linear feet of frontage on 16 th Street NW, approximately 137 linear feet of frontage on I Street NW, and abuts a 15-foot public alley along the south.
Zoning	SP-2 – Medium-high density offices and apartments.

Existing Development	Eight-story office building that was constructed circa-1968, pursuant to BZA Order No. 9085, which granted variance relief from the rear yard and roof structure Floor Area Ratio (FAR) requirements. The existing building has a height of 90 feet and a FAR of 5.5, which at the time of construction were the permitted height and FAR requirements under the SP district for residential and non-residential buildings. The Motion Picture Association of America (MPAA) is a building tenant.
Historic District	Sixteenth Street Historic District
Adjacent Properties	Surrounding the property are office, institutional, and open space uses including the Hay-Adams Hotel, St. John's Episcopal Church, the U.S. Chamber of Commerce, the AFL-CIO, the Laborers' International Union of North America, the White House, and Lafayette Square.
Surrounding Neighborhood Character	The surrounding neighborhood is characterized by commercial, retail, and businesses uses, as well as high-density residential and mixed-use developments. Notable open spaces in close proximity to the building include McPherson Square, Farragut Square, and Franklin Square.

III. APPLICATION IN BRIEF

The applicant (1600 I Street Corporation) is proposing to modernize the building, including upgrades to the exterior façade, core and shell, common areas, ground-floor hardscape, rooftop amenities, and mechanical, electrical, and plumbing (MEP) systems. The proposed improvements also include ground-floor function and amenity space and potentially space devoted to retail and service uses.

The applicant is proposing to re clad the exterior of the building and replace the windows (would reduce the depth of the window recess), which would increase the building's total Gross Floor Area (GFA) by approximately 9,708 square feet. The applicant is proposing four small additions at the podium level that would consist of two new vestibules at the 16th and I Street NW entrances and two additions at the west side of the building that would accommodate expansions of the MPAA function space and screening room. The proposed additions would add approximately 1,147 GFA. Finally, the existing penthouse would be clad with metal panels and the approximately 1,490 gross square feet of enclosed penthouse space would be devoted to a new roof top terrace reception area. Overall, the building GFA would increase 10,855 square feet (122,694 GFA existing; 133,549 GFA proposed) for a new FAR of 5.99.

IV. ZONING REQUIREMENTS AND RELIEF REQUESTED

SP-2 Zone	Regulation	Existing ¹	Proposed	Relief
Height § 530	90 ft. max.	88 ft. 11 in.	88 ft. 11 in.	None required
Floor Area Ratio § 531	6 max./ 3.5 non-res.	5.5 non-res.	5.99 non-res.	0.49 additional
Rear Yard § 534	2 ½ in./ft. height OR 12 ft. min.	7 ft. 6 in.	7 ft. 6 in.	BZA Order 9085

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief from § 2001.3, Nonconforming Structures and § 411.1, Roof Structure

The applicant's proposal to renovate and expand the existing building would increase the FAR from 5.5 to 5.99, which exceeds the maximum nonresidential FAR permitted in the SP-2 District. Therefore, the applicant is requesting a variance (§ 2001.3) to increase an existing nonconforming aspect of the structure.

The applicant is also requesting an area variance (§ 411.1) from the roof structure requirement to allow a communal rooftop reception area within a portion of the existing mechanical penthouse that is accessory to an outdoor terrace. Accessory communal space is only permitted in the current zoning regulations within the penthouse of an apartment house, and only when not in conflict with the federal 1910 Height of Buildings Act (Height Act), which was recently amended by Congress to allow habitable space within a penthouse. The proposed reception area would not violate the Height Act; therefore, the applicant is seeking a variance under the current regulations to provide an amenity space that would otherwise be permitted in the SP-2 District if the property was developed with an apartment house.²

i. The property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;

The property is affected by an exceptional condition because of the following factors. The existing building was constructed in compliance with the height and FAR requirements established in the original SP District (maximum height of 90 feet and maximum FAR of 5.5 for uses other than residential). After construction of the subject building, the Zoning Commission approved modifications to the SP District (creation of SP-1 and SP-2). The resulting zoning designation in

¹ Information provided by applicant. See Exhibit 5.

² As part of Zoning Commission Case 14-13, the Zoning Commission has taken final action to approve modifications to the penthouse regulations on November 9, 2015, which would permit habitable space in a penthouse. As of the date of submitting this report, however, the new text has not been finalized and published in the DC Register, so is not effective. This is expected to happen shortly. Although habitable space, such as the proposed amenity space, would generally be permitted within the penthouse of an office building, it is permitted subject to the satisfaction of an affordable housing linkage, anticipated to be typically met through a monetary contribution to an affordable housing production trust fund. However, due to security issues, the US Secret Service recommended and the Zoning Commission approved a restriction on habitable space on the roof of a building proximate to the White House. The subject building is within that area, although in this case, the penthouse would be lower in height than the building to the south which separates it from the White House.

the SP-2 District caused the property to be nonconforming with respect to FAR (6 FAR maximum, 3.5 FAR maximum for non-residential uses).

The existing penthouse also creates an exceptional situation. The penthouse was sized to accommodate the MEP systems available at the time of construction. With the proposed renovation to the building and associated upgrading of the MEP systems, the applicant has realized certain efficiencies that result in unused penthouse space.

ii. The owner would encounter practical difficulties if the zoning regulations were strictly applied; and

The applicant is proposing to modernize an existing office building that is currently nonconforming with respect to FAR. The applicant states that the circa 1960s building requires MEP and other upgrades to address issues related to efficiency and accessibility. The minor additions necessary to accomplish these upgrades further increase the existing nonconformity. Strict application of the Zoning Regulations would be substantially burdensome and would preclude the upgrades that address energy efficiency, daylighting, and building circulation.

With respect to the roof structure relief, strict application of the Zoning Regulations would create a practical difficulty, as the applicant would be required to maintain existing penthouse space that is no longer required as a result of the building modernization program and upgrades to existing MEP systems.

iii. The variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and map.

The requested variances should not cause substantial detriment to the public good and should not substantially impair the intent, purpose and integrity of the zone plan. The proposed increase in FAR is the result of four small additions distributed throughout the building that are within the envelope of the existing building, as well as the proposed re-cladding. The proposed rooftop reception area is modest in size and would be permitted with a residential use. The existing penthouse meets all required setbacks and would be clad in a manner that harmonizes with the main structure.

b. Special Exception Relief from § 508.1, Addition to an Existing Office Building

The applicant seeks special exception relief to expand the existing office building located on the subject property in the SP-2 District.

508.3 The use, height, bulk, and design shall be in harmony with existing uses and structures on neighboring property.

The use, height, bulk and design of the building would be in harmony with existing uses and structures on neighboring property. Surrounding buildings are generally devoted to office use, with the exception of the Hay-Adams Hotel. Neighboring properties are in the C-4 District, which permits building heights up to 130 feet and a maximum FAR of 10.0, in excess of the subject property's SP-2 zoning designation.

The proposed building design that would incorporate glass, metal and limestone, would be in keeping with neighboring properties. The Historic Preservation Review Board (HPRB) reviewed

the project at its October 22, 2015 meeting and found the concept consistent with the preservation act and consistent with the purposes of the preservation act and delegated final approval to staff.

508.4 The use shall not create dangerous or other objectionable traffic conditions.

The applicant is not proposing any changes to parking or loading access and building circulation patterns should remain the same. The parking garage would continue to be accessed via I Street and loading would continue to be accessed via the public alley at the south side of the building. The additional GFA gained through the recladding and minor additions should not result in an increase in building occupancy. The building meets the minimum required parking (73 spaces required; 151 spaces provided; 143 to 161 spaces proposed). Therefore, the use shall not create dangerous or other objectionable traffic conditions.

508.5 The Board may require special treatment in the way of design, screening of buildings, accessory uses, signs, and other facilities as it deems necessary to protect the value of neighboring property.

The HPRB recommended that the applicant refine the penthouse elevations; increase the setback for the roof terrace railing to ensure that it will not be visible from street view (to be confirmed through a flag test); and include a planting plan that reinforces the historic planting plan for this important L'Enfant street.

OP recommends that the applicant provide confirmation that the Secret Service has no objection to the penthouse habitable space. OP further recommends that the applicant be required to provide the affordable housing contribution, which will typically be required for any habitable space within the penthouse on a non-residential building such as this one.

3104.1 The special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring properties.

The proposal should not adversely affect the use of neighboring property. The proposed additions at the first and second levels are modest in scale and should not adversely affect the light and air available to neighboring properties. Use of the proposed roof terrace should not negatively impact the neighboring property. The Hay-Adams Hotel has its own rooftop function room, which is located approximately one level above the roof terrace proposed at the subject property. The proposed roof terrace would be separated by approximately 30 feet from the nearest windows at the adjacent hotel.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

Comments of other District Agencies had not been received at the time this report was drafted; however, OP understands that the applicant has been in conversation with the Public Space Committee. The HPRB also recommended that the applicant work with the Department of Transportation's (DDOT) Public Space Administration to refine the design for the plaza and trees. Any proposed improvements to public space would be subject to review and approval by DDOT's Public Space Administration.

VII. COMMUNITY COMMENTS

ANC 2B voted 6-0-0 at its September 9, 2015 regularly scheduled meeting to support the project as presented. (See Exhibit 24.)

Attachment: Location Map

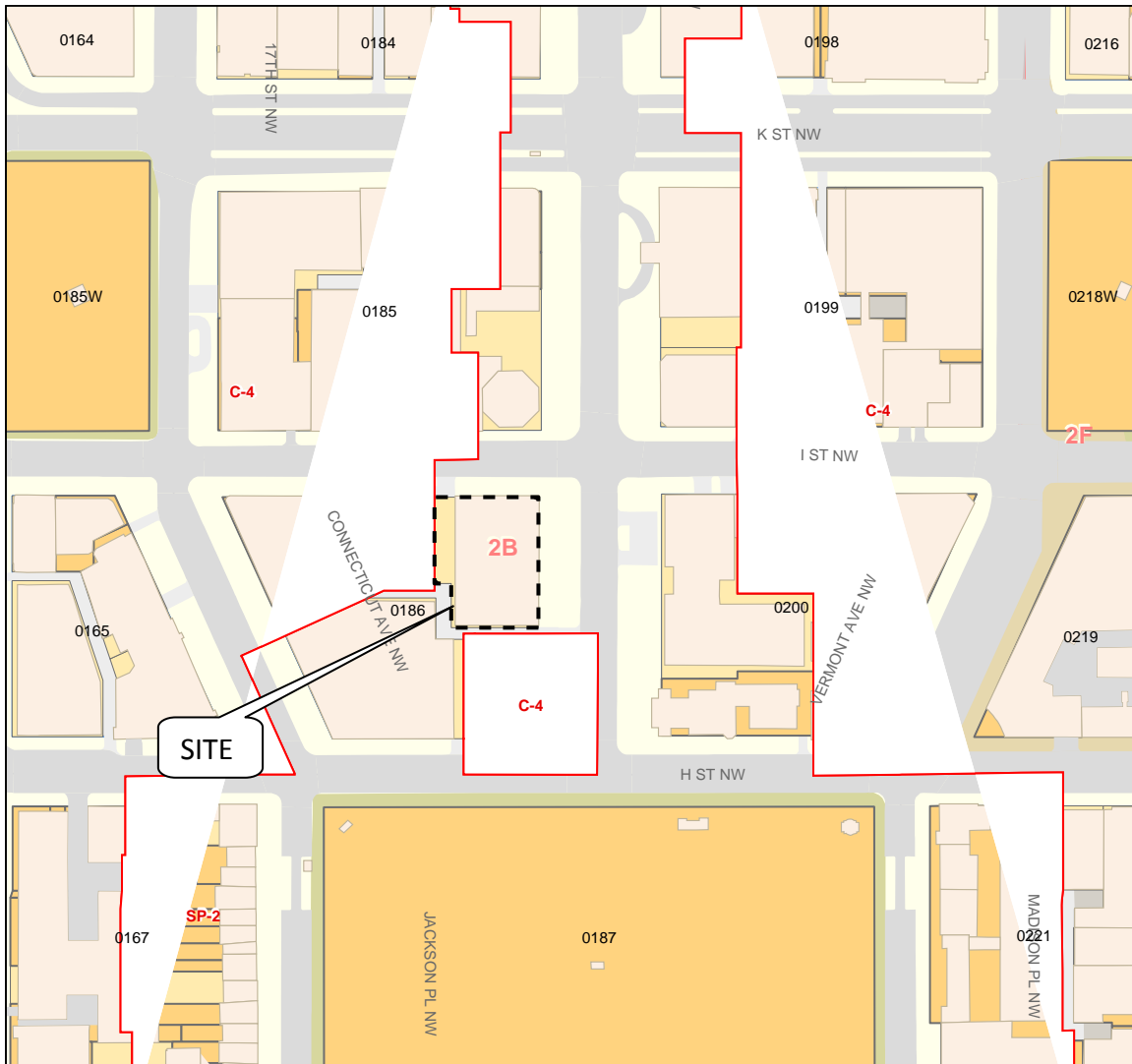


Figure 1: Location Map